

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**TAYLOR WHITE, on behalf of himself
and on behalf of others similarly situated**

Plaintiffs,

VS.

DENTON COUNTY

Defendant.

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Case No. 4:13cv13

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 28, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Denton County's Amended Motion for Judgment on the Pleadings (Dkt. 36) be GRANTED in part and DENIED in part and that Plaintiff's Motion to Conditionally Certify Collective Action and Motion to Facilitate Expedited Notice and Limited Discovery (Dkt. 28) be DENIED.


The court has made a *de novo* review of Plaintiff's objections, as well as Defendant's response, and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Denton County's Amended Motion for Judgment on the Pleadings (Dkt. 36) is GRANTED as to Plaintiff's claims of forced compensatory time in lieu of straight time, Plaintiff's failure to pay straight time claim, and Plaintiff's claim for declaratory judgment as to the hours worked between 81 and 86 hours and those claims are dismissed with prejudice. Denton County's Amended Motion for Judgment on the Pleadings (Dkt. 36) is DENIED as to Plaintiff's claims of forced compensatory time in lieu of overtime pay, Plaintiff's failure to pay overtime pay claim, Plaintiff's claim for declaratory judgment regarding payment for hours worked in excess of 86 hours, and Plaintiff's FLSA retaliation claim, and those claims shall proceed herein.

Further, Plaintiff's Motion to Conditionally Certify Collective Action and Motion to Facilitate Expedited Notice and Limited Discovery (Dkt. 28) is DENIED.

IT IS SO ORDERED.

SIGNED this the 28th day of March, 2014.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE